

AMENDMENT UNDER 37 C.F.R. § 1.116

U.S. Appln. No. 09/927,442

Attorney Docket No. Q65835

REMARKS

In the present Amendment, Claims 11 and 13 have been amended to replace “interlayer” with --layer--.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 1 and 3-36 will be all the claims pending in the application.

In Paragraph No. 2 of the Office Action, Claims 11, 13, 17, 19, 21, 25, 27 and 29 have been rejected under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of Claims 19 and 25, because they do not recite the rejected term “interlayer.”

Further, Applicants respectfully submit that Claims 11, 13, 17, 21, 27 and 29 are not indefinite. As indicated above, Applicants have in the present Amendment, amended Claims 11 and 13 from which Claims 17, 21, 27 and 29 depend primarily or secondarily, to replace “interlayer” with --layer--.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In Paragraph No. 4 of the Office Action, “Claims 1-4, 9, 15, 23 and 31” have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuroda et al. In addition, in Paragraph No. 5 of the Office Action, Claims 11, 13, 17, 19, 21, 25, 27, 29, 33 and 35 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuroda et al.

Applicants respectfully traverse the rejections for at least the following reasons.

The present invention and Kuroda et al are different from each other in view of the problem to be solved (objection). As described on page 4 of the present specification, lines 1 to 10, "the objection of the present invention is to provide ... having an improved heat-shrinkability ... an improved balance between shrink-wrapping property and recycling efficiency provided by the reduction of specific gravity and well-balanced transparency, blocking resistance ..."

In contrary, Kuroda et al relates to a heat-shrinkable foamed molding, and does not concern "the transparency" at all.

In Kuroda et al, the shrinkability is small. Kuroda et al describes that the softening point of the alicyclic hydrocarbon resin is at least 160°C.

In the present invention, the softening temperature of the alicyclic hydrocarbon resin is not lower than 110°C. Further, the present invention requires the peak temperature of loss tangent ($\tan \delta$). Applicants respectfully submit that the recited requirement of the peak temperature of $\tan \delta$ is not satisfied when the softening temperature is not less than 160 °C. See also the Amendment filed November 1, 2003.

The Examiner considered that it would have been obvious to select an alicyclic component having a softening temperature of not lower than 110°C, but different from the alicyclic component disclosed by Kuroda et al (in order to arrive at a resin composition meeting each of Requirements (1) to (3) of present claim 1). However, the Examiner has not pointed to anything in the prior art which teaches the desirability of making such a modification, and therefore has not established a *prima facie* case of obviousness. See MPEP §2143.

Further, even if *arguendo* a *prima facie* case of obviousness might have been established, it would have been overcome by the unexpectedly superior results of the present invention.

As described on page 19 of the present specification, line 8, when the peak temperature of $\tan \delta$ exceeds the upper limit thereof, the low temperature heat shrinkability becomes smaller and it is not preferable.

Examples 1 to 5 and Comparative Examples 1 to 4 of Kuroda et al use a homopolymer or block polymer, which is different from the present invention in terms of the polymer (polypropylene vs. random polymer). Examples 7 to 11 of Kuroda et al use a random polymer of polypropylene, which corresponds to the polymer of the present invention.

In all of Examples 7 to 11 of Kuroda et al, the shrinkability is not more than 25 % (Table 2), which is significantly lower than that of the present invention (50 % or more, Table 1). In the Examples of Kuroda et al, since the softening temperature is not less than 160 °C, the requirement of the peak temperature of $\tan \delta$ is not satisfied. Accordingly, the shrinkability in the Examples of Kuroda et al deteriorates.

In view of the above, unless the random copolymer having the specific ranges of softening temperature and T_{50} is used, when an alicyclic hydrocarbon resin is blended and even if the requirement of $\tan \delta$ is satisfied, the shrinkability having the same level as in the present invention cannot be achieved. Kuroda et al does not disclose or suggest this effect of the present invention.

Still further, the film of Kuroda et al is opaque. As shown in Examples 7 to 11, the films of Kuroda et al have a total light transmission of 8 to 41 %. On the contrary, the films of the

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present invention, for example, Examples 6 and 7, have a haze of 3.3 and 4.7%, respectively.

That is, the films according to the present invention have a total light transmission of more than 90 %.

In view of the foregoing, Applicants respectfully submit that the present invention is not obvious over Kuroda et al and therefore the rejections should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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